

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRIAN DAVIS,)	
)	
Petitioner,)	Case No. 1:11-cv-128-SJM-SPB
)	
v.)	
)	
ARCHIE B. LONGLEY,)	
)	
)	
Respondent.)	

MEMORANDUM ORDER

The instant petition for writ of habeas corpus was received by the Clerk of Court on June 17, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Report and Recommendation, filed on June 21, 2012 [17], recommends that the instant petition for writ of habeas corpus be dismissed for lack of subject matter jurisdiction. Petitioner was allowed fourteen (14) days from the date of service in which to file objections. His objection [18] were filed on July 9, 2012. After de novo review of the petition and documents in the case, together with the Report and Recommendation and Petitioner's objections thereto, the following order is entered:

AND NOW, this 30th Day of July, 2012;

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is, DISMISSED for lack of subject matter jurisdiction.

The Report and Recommendation of Magistrate Judge Baxter, filed on June 21, 2012 [17], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter